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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,643	06/26/2003	Jonathan Edwards	31957-8013US1	8735

25096 7590 12/15/2004

PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

EXAMINER
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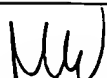
CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/607,643	<b>Applicant(s)</b> EDWARDS ET AL.	
	<b>Examiner</b> Chapman E Jeanette	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-18 is/are allowed.
- 6) ☒ Claim(s) 39,45,46,54-56,111-116,133-145,163,166,167,174-246,261 and 264 is/are rejected.
- 7) ☒ Claim(s) 5,7,23,25,30,31 and 33-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/26/2003</u> . | 6) <input checked="" type="checkbox"/> Other: <u>patent copy w/annotations</u> .        |

Applicant elected group I directed to claims 1-37. Therefore, Group II directed to claims 38-58 have been deleted by the applicant .

Claim 33 is objected to because of the following non-enablement language:

Claim 33 recites the engagement member and the support member not contacting a top surface of the first siding piece; Neither, the specification nor the drawings support this recitation. See figures 2 and 3. Figure 3 shows the engagement member 190/192/194 not contacting the top surface; but it is clear that support member 102/112 does contact the top surface of the first siding piece 10. Explanation is requested regarding the above cited recitation of claim 33; at present there is no clear meaning.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8-9, 19-22, 24, 26-30, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunn (6370836). Gunn discloses an installation apparatus for engaging a first piece 30, the first piece and supporting a second piece 35 having a bottom portion and a back surface. The apparatus comprises:

1. a support member 10/70 having a support surface to support the second piece 35 so that a bottom surface of the second piece is spaced apart from a bottom surface of the first piece

2. an engagement member 50/60/52 projecting from the support member and configured to engage the bottom portion of the first piece 30 by contacting at least the back surface of the first piece
3. the engagement member and the support member
4. the engagement member is attached to the support member
5. a securing assembly 60 coupled to the support member 10/70 to releasably restrict the support member from moving relative to the first siding piece
6. The support member includes a first portion 40 and a second portion 42 coupled to the first portion 40; the first portion having an adjustment axis through its compression biasing means and the second portion being selectively movable relative to the first portion along the adjustment axis
7. the second portion 42 having a support surface to support the second piece via 10
8. the engagement member projects from the first portion 40 of the support member ; se figure 1
9. the engagement member includes a first portion 52 configured to contact a bottom surface of the first piece and a second portion, perpendicular to the first, to contact the back surface of the first piece 30; see figure 3; see annotations on patent copy; the second portion having a longitudinal axis transverse to the adjustment axis

10. The second portion of the engagement member has a first end coupled to the first portion and a second end opposite the first end; the distance between the first end and the support member is greater than the distance between the second end and the support member ; see figure 3 and annotations on patent copy

11. the securing assembly comprises a cam pivotably coupled to the support member 70 and a contact element at least proximate the cam; the cam is selectively pivotable in a first direction, shown in figure 4, to force the contact element against a front surface of the first piece to restrict movement of the support member relative to the first piece

It is considered immaterial as to the type of construction piece; all claim limitations have been met and therefore the apparatus may function for installing siding.

Claims 5, 7, 23, 25, 30-31 are objected to as depending upon a rejected claim but would be considered as allowable if amended to include the base claim and any intervening claims.

Claims 33-37 are objected to given the above 112 objection. Indicated allowability is held in abeyance until the enablement objection is clarified.

Claims 10-18 are allowable over the prior art of record

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 703-

Art Unit: 3635

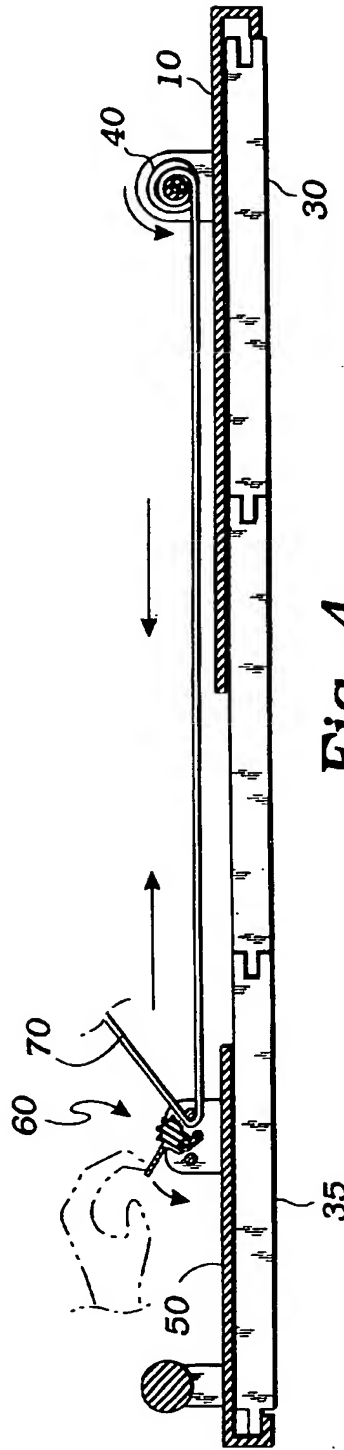
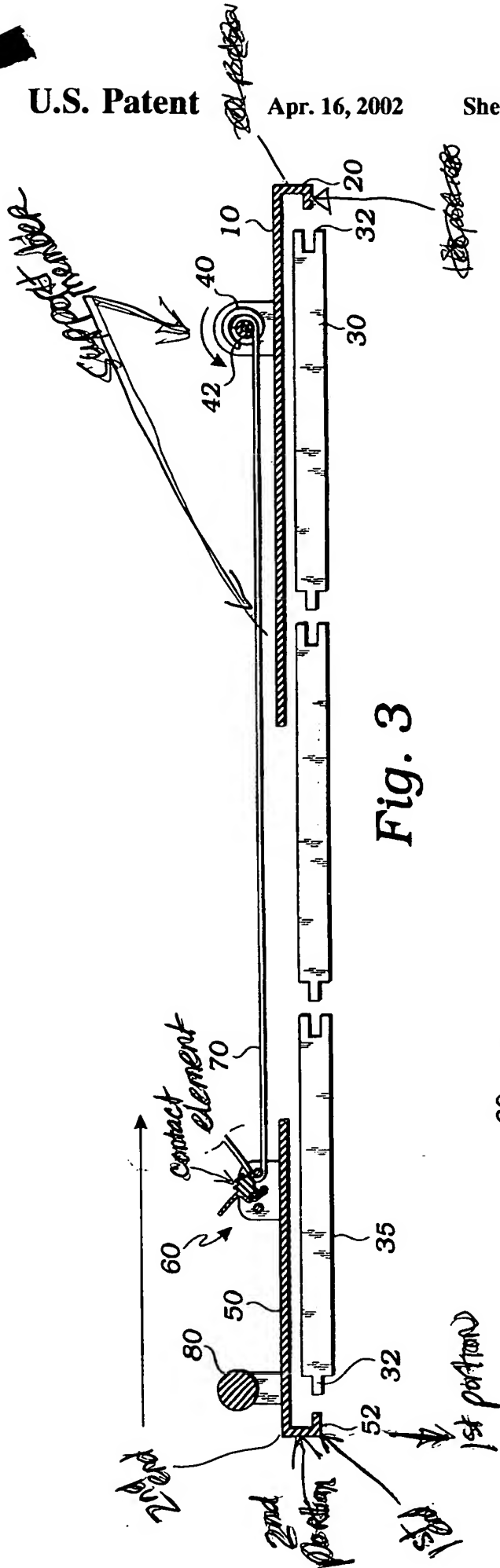
308-1310. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jeanette S. Chapman  
Primary Examiner



PATENT COPY w/ ANNOTATION